

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DALE WATERS, WESTERN HEART  
INSTITUTE, P.C., RETIREMENT PLAN,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

against

GENERAL ELECTRIC COMPANY,  
JEFFREY R. IMMELT, and KEITH S.  
SHERIN,

Defendants.  
-----X

08-CV-8484  
(RJS)

**NOTICE OF DEFENDANTS' MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and the declaration of Greg A. Danilow, both dated January 15, 2010, defendants General Electric Company, Jeffrey R. Immelt, and Keith S. Sherin will move this Court, before the Honorable Richard J. Sullivan, United States District Judge, United States District Court for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 615, New York, New York, on a date and at a time designated by the Court, for an Order dismissing the Second Amended Class Action Complaint in the above-captioned action with prejudice under Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and under the Private Securities

Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b) (the “PSLRA”). Oral argument will be on a date and at a time designated by the Court.

Dated: New York, New York  
January 15, 2010

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

By: /s/ Greg A. Danilow

Greg A. Danilow

Paul Dutka

767 Fifth Avenue

New York, New York 10153

T: (212) 310-8000

F: (212) 310-8007

*Counsel for Defendants General Electric  
Company, Jeffrey R. Immelt, and Keith S.  
Sherin*